

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and amended as necessary to more clearly and particularly describe the subject matter which Applicants regard as the invention.

Claim 1 is objected to because of an informality. Claim 1 has been amended as suggested by the Examiner. Withdrawal of the objection is respectfully requested.

Claim 1 has been further amended to more clearly describe the subject matter of the invention.

Claims 2–6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which Applicants regard as the invention. Claims 2–6 have been amended to more clearly define the limitation “housing” and “information recording medium storage portion.” Withdrawal of the rejection is respectfully requested.

Claims 1, 2, 4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by MORITA (U.S. Patent No. 6,954,653). For at least the following reasons, the Examiner’s rejection is respectfully traversed. MORITA does not describe each and every feature as required in the claimed invention.

With regard to claim 1, MORITA does not disclose a battery housing portion constituted by a battery attachment portion and a first information recording medium storage portion being covered by a cover member, and the cover member comprising a battery and a battery cover, as recited in claim 1. The Examiner contends that “MORITA discloses...a battery housing portion 210 for storing a battery (Figs. 2 and 3), which is constituted by the battery attachment portion and the first information recording medium storage portion (Fig. 3), the battery housing portion being covered by a cover member (col. 1, line 60–64; col. 3 line 17–28)” (page 4 of the Office

Action). Applicants respectfully disagree. The battery housing portion 210 of MORITA is provided for holding only a battery, and MORITA's battery housing 210 does not include a storage portion for a SIM card. SIM card of MORITA is stored in the cellular phone 200 not in the battery housing portion 210 (column 3, lines 4–7 and Figs. 2 and 3 of MORITA). MORITA's SIM card is inserted into the cellular phone 200 from a side 211 of the battery housing portion, and therefore not covered by a cover member of the battery housing portion (column 3, lines 4–7 and Figs. 2 and 3 of MORITA). Moreover, MORITA does not disclose a cover member comprising a battery and a battery cover. Because MORITA does not disclose each and every feature set forth in claim 1, MORITA does not anticipate claim 1.

Claims 2, 4 and 6 depend directly or indirectly on claim 1, and thus are patentable for at least the same reasons as the parent claim.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over MORITA in view of NUOVO et al. (U.S. Patent Publication No. 2004/0077391 A1, hereinafter "NUOVO"). For at least the following reasons, the rejection is respectfully traversed. The asserted combination of MORITA and NUOVO does not teach or suggest all features of the claimed invention.

As mentioned above, MORITA does not teach or suggest a battery housing portion constituted by the battery attachment portion and the first information recording medium storage portion being covered by a cover member, and the cover member comprising a battery and a battery cover, as recited in claim 1. NUOVO does not cure the aforementioned MORITA's deficiencies. NUOVO discloses a portable communication device, however contrary to claim 1 of the application, does not teach or suggest a cover member comprising a battery and a battery cover, as recited in claim 1.

Thus, the asserted combination of MORITA and NUOVO does not render the subject invention obvious because the combination fails to suggest or teach all the features of the claimed invention.

Claim 5 is rejected under 35 U.S.C. 103 (a) as being unpatentable over MORITA in view of KIM (U.S. Patent No. 6,681,120 B1). For at least the following reasons, the Examiner's rejection is respectfully traversed. The asserted combination of MORITA and KIM does not teach or suggest all features of the claimed invention.

As mentioned above, MORITA does not teach or suggest a battery housing portion constituted by the battery attachment portion and the first information recording medium storage portion being covered by a cover member, and the cover member comprising a battery and a battery cover, as recited in claim 1. KIM does not cure the aforementioned MORITA's deficiencies. Thus, the combination of MORITA and KIM does not render claim 1 obvious on which claim 3 indirectly depends.

Moreover, the Examiner contends that "KIM discloses wherein the housing has an opening portion for storing the second information recording medium withing the second information recording medium storage portion (120A-Fig. 1), and wherein the opening portion is covered by an open/close lid in a manner that the lid moves in a direction orthogonal to a storing direction of the second information recording medium and rotates in a freely closing and opening manner with respect to the housing (150, 152, 154-Fig. 4)" (page 7 of the Office Action)." Applicants respectfully disagree.

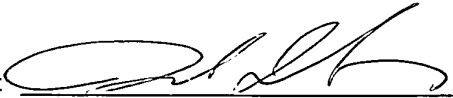
KIM discloses a latching device 150 includes a lever 152 pivotally connected at 154 to the back of the housing of the device 100, with a tab 156 extending along the side of the device and over a portion of the socket 120A in the closed position (see column 3, lines 15-23 and Figs. 3 and 4 of KIM). However, KIM does not disclose a lid that moves in a direction orthogonal to a storing direction before it rotates in a freely closing and opening manner. In the claimed invention, the lid first moves in a direction orthogonal to a storing direction of the second information recording medium and then rotates to open the lid or rotates to close the lid and shifts in a direction orthogonal to a storing direction of the second information recording medium (see

page 24, lines 6–15 and Figs. 8(a)–8(d) of the specification) in order to avoid accidental opening when the portable telephone is dropped (see page 26, lines 17–24 of the specification). To the contrary, KIM's latching device 150 is simply pivoted to the open position as shown in dashed lines in Fig. 4 of KIM. Thus, KIM does not teach or suggest an open/close lid in a manner that the lid moves in a direction orthogonal to a storing direction of the second information recording medium and rotates in a freely closing an opening manner with respect to the housing, as required in claim 5. Thus, the combination of MORITA and KIM does not teach or suggest all of the features of claim 5. Consequently, the asserted combination of MORITA and KIM does not render claim 5 obvious.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 37107.

Respectfully submitted,
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